

Draft**Frequently Asked Questions (FAQs)****FAQ 15 Public Record and Publicly Available Information**

Q: Is it necessary to apply the notice, choice and onward transfer principles to public record information or publicly available information?

A: It is not necessary to apply the notice, choice or onward transfer principles to public record information, as long as it is not combined with non-public record information and as long as any conditions for consultation established by the relevant jurisdiction are respected.

Also, it is generally not necessary to apply the notice, choice or onward transfer principles to publicly available information unless the European transferor indicates that such information is subject to restrictions that require application of those principles by the organization for the uses it intends. Organizations will have no liability for how such information is used by those obtaining such information from published materials.

Where an organization is found to have intentionally made personal information public in contravention of the principles so that it or others may benefit from these exceptions, it will cease to qualify for the benefits of the safe harbor.